




AL **ABOTT**
LAW OFFICE

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ABOUT US

Abbott Law Office is a Delhi-NCR based full service and boutique law firm founded by Mr. Sumit Wadhva with a purpose to provide legal, reliable and practical advice to its clients. The objective is to make legal services efficient, effective, affordable and hassle free. Our aim is to provide pragmatic, solution-oriented and technically feasible advice to our clients. We focus on providing practical and innovative legal solutions. We adhere to the highest level of professional ethics with an excellent, responsive and timely legal service to our clients.

The firm covers the entire spectrum of legal services for the clients across private and public sectors including corporate, commercial & tax law advisory, transactional support, litigation, compliance and regulatory services, due diligence, legal audits, intellectual property rights and legal research.

The firm aspires to build long-term relationship with the clients, and follow the principles of integrity, honesty, accountability and consistency. Firm understands the client perspective; therefore, our mantra is to add value by providing legal and practical advice. We are transparent in our working and commit ourselves to time-bound and cost-effective services that protect our client's interests every time.

OUR STRENGTHS

- Shared skills and expertise
- Competent, Smart & Hard-working team
- Proficient solutions to complex problems
- Accountability and transparency
- An understanding of client's requirements
- Commitment to quality of work
- More sophisticated and skilled management
- Ethical business practices
- Research Driven approach

AREAS OF PRACTICE

(A) GOODS AND SERVICES TAX

Goods and Services Tax in India is the best step towards indirect tax reform since independence. GST was implemented not only to get rid of the patchwork in the earlier indirect tax regime, which suffered from various infirmities (like multiple exemptions under different statutes, multiple tax rates, abatements etc.), but also to improve tax compliances.

The expertise in core indirect taxation laws, integrated with the understanding of various business sectors enables us to deliver holistic and effective guidance to the clients from time to time. Our objective is to deliver efficient, effective and timely legal solutions after analyzing the complex issues, including but not limited to classification, determination of applicable taxes, availability of tax benefits/ exemptions, input tax credit etc.

We are also instrumental in undertaking audits and due diligence and structuring complex transactions. We have a great approach in dealing with clients and meeting their expectations within the deadline.

Apart from advisory and resolving day-to-day business requirement, we also effectively represent clients in GST (earlier Central Excise, Service Tax and Value Added Tax) and provide skilled and experienced advocacy at every stage from pre-SCN audit observations / consultation, to filing of replies and statutory appeals / writ petitions. We also provide Retainership Services in respect of Taxation including GST & Compliance related matters to various entities from Firms to Limited Companies.

Under this area of practice, we extensively offer the following services, which have been bifurcated into two heads, i.e., advisory / consultancy and litigation support for the ease of understanding:

A.1 Advisory / Consultancy

- Classification, valuation, exemptions under the GST Laws
- Input Tax Credit related issues under the GST
- Registration and procedural compliance under GST
- Conducting audits under the GST law
- Tax implications on business transactions
- Cross-border transactions vis-à-vis Goods & Services
- Review & reporting of deficiencies
- Due diligence by understanding business model & procedural aspects in order to identify potential Risks and Opportunities
- Providing corrective measures and processes and exploring options to mitigate the risk
- Costs effectiveness by regular compliances

A.2 Litigation Support

- Drafting replies to departmental show cause notices / audit objections and appeals / writs / special leave petitions
- Representation before Adjudication & Appellate Authorities
- Representation before Tribunals, High Courts and the Apex Court
- Briefing senior counsels / arguing counsels (if client instructs)
- Advance Rulings

(B) CUSTOMS AND OTHER TRADE LAWS

We deal in the advisory of a wide spectrum of Trade laws, ranging from Foreign Trade Policy, Special Economic Zone, Customs, Manufacture in bonded facility, Export Oriented Unit, Licenses from Directorate General of Foreign Trade. Under this area of practice, we extensively offer the following services, which have been bifurcated into two heads, i.e., advisory / consultancy and litigation support for the ease of understanding:

B.1 Advisory / Consultancy

- Classification, valuation, exemptions under the Customs Laws;
- Interpretation of notification, orders and special provisions;
- Free trade and regional trade agreements and its benefits;
- Foreign trade policy benefits;
- Setting up FTZs, EOUs, STPs and SEZs;
- Manufacturing facility under the bond;
- Benefits for exporters and restrictions and prohibitions for importers under the Foreign Trade Policy;

- Requisite licenses from the DGFT (i.e., EPCG, Advance Authorisation etc.) and dealing with issues involved;R
- elated party issues under the Customs law including advisory and providing assistance in preparing Annexure- A and B with respect to Special Valuation Branch under Customs.

B.2 Litigation Support

- Drafting replies to departmental show cause notices/ appeals / writs / special leave petitions;
- Appearances before the Departmental Authorities, Commissioner (Appeals), Tribunals, High Courts and the Apex Court;
- Briefing senior counsels / arguing counsels (if client instructs);
- Advance Rulings;

(C) CORPORATE LAW ADVISORY

The Government's move to target Corporate Governance and overall stakeholder's transparency has led to various amendments in the Corporate Laws in India. Companies are witnessing changes at a rapid speed. The exponential growth in the level of compliance coupled with stringent monitoring by various authorities is forcing Corporates to become more compliant and vigilant in their dealings. Corporates and Directors might face high regulatory risk and penalties if the required compliances are not being performed at right time.

We, at Abott Law Office, not only ensure that your organization is fully compliant with the applicable Corporate Laws but also make your organization to work in sync with the ever-evolving regulatory framework. We are there to guide you, from the start of your entrepreneurial journey to managing your compliances by offering our extended helping hands to you at every step.

When it comes to Corporate Governance, we provide complete peace of mind to our clients by conducting audits and gap analysis and also assess the regulatory compliance processes, compliance concerns and propose the appropriate improvements for successfully complying with the regulatory affairs.

Under this area of practice, we extensively offer the following services:

- Determining appropriate legal entities, its incorporation in India and matters relating thereto;
- Assistance in obtaining approval / clarification from concerned authorities;
- Assistance in obtaining various registrations, licenses, approvals, permissions, etc.;
- Legal and regulatory implications in the context of a business structure;
- Drafting of transactional or compliance procedural documents;
- India-Entry Services & Business Set up including setting up of branch office, liaison office or project offices and matters relating thereto;
- Assisting with compliances pertaining to Foreign Direct Investments (“FDI”) comprising but not limited to annual compliances of FDI received and investments made outside India by filing “Annual Return on Foreign Asset and Liability”, “Annual Performance Report” etc.
- Foreign Contribution (Regulation) Act, 2010 (FCRA, 2010) advisory and compliances, which includes verifying the eligibility of associations to receive foreign contribution, guiding and assisting the organizations in filing of application and connected matters;
- Ongoing business requirement and transactions;
- Compliance of various laws/regulations;

- Conducting legal audits and Due Diligence;
- Advisory over structuring of corporate transactions;
- Advisory and guidance on Corporate Social Responsibility (CSR), Utilization of Funds, drafting of CSR policies, etc.
- Build, Maintain & Advisory through state of the art customized Compliance Trackers for Corporates.

In addition to the aforesaid services, we also provided Litigation / Representation Services

- De-registration / Striking of Companies
- Oppression & Mismanagement
- Conversion of Public Company to Private Company and *vice-versa*
- Tribunal convened General Meetings
- Change of Financial Year
- Refusal to Transfer Shares
- Re-opening of Accounts & Financial Statements
- Appeals to NCLAT
- Removing the status of Disqualification of Directors from respective High Courts

(D) CORE-COMMERCIAL CONTRACT MANAGEMENT

We, at Abott Law Office take pride in providing core values of contracting and commercial management. We have been promoting a number of key actions to our clients over recent years to assist them to reach 'best practice' standards in their contract and commercial capabilities and practices. We see contracts as instruments of economic value, in which legal considerations are of fundamental importance. Contracts represent an economic arrangement and should be designed to maximize the probability of a successful outcome between the parties.

We see contracting as a life-cycle activity, which is necessary for every business as for their expansion and growth. Businesses must have a contracting strategy (contracts, terms, policies and practices that support the goals and needs of the organization). These are then applied and adjusted during the opportunity or needs evaluation, negotiation and post-award environments. Contracting brings cohesion across these phases of activity and provides a framework for clarity over requirements and goals, roles and responsibilities and on-going relationship governance.

We, at Abott Law Office offer organization a way to revitalize contracting operations to not only improve governance, control and visibility but also significantly boost the ability to realize hidden values within contracts.

Under this area of practice, we extensively offer the following services:

- Contract Drafting & Negotiation;
- Contract Review & Analysis;
- Contract Abstraction & Summarization;
- Contractual Risk analysis of Tender / Bidding documents;
- Renewal / Modification of Contracts;

(E) INSOLVENCY AND BANKRUPTCY

The Insolvency and Bankruptcy Code, 2016 offers a uniform, comprehensive insolvency legislation covering all companies, partnerships and individuals (other than financial firms). One of the fundamental features of the IBC is that it allows creditors to assess the viability of a debtor as a business decision and agree upon a plan for its revival or a speedy liquidation. The IBC creates a new institutional framework, consisting of a regulator, insolvency professionals, information utilities and adjudicatory mechanisms, that will facilitate a formal and time bound insolvency resolution process and liquidation. The IBC overrides all other laws on the matters pertaining to insolvency and bankruptcy.

Broad-spectrum of services vis-à-vis insolvency and bankruptcy matters include:

- Providing consultancy in matters pertaining to IBC before NCLT and NCLAT;
- Issuing demand notices on behalf of operational creditors;
- Drafting various petitions, including those on behalf of financial creditors and operational creditors;
- Drafting replies and other pleading / applications and drafting appeals before NCLAT and Supreme Court, as well as appearing and arguing matters before NCLT, NCLAT and the Supreme Court.

(F) CORPORATE RESTRUCTURING

Business is a risk-taking task prevailing with uncertainty in regard to the firm's operation because the journey is not predictable. It is a systematic risk where there are volatility and instability with the earnings, reduced liquidity, changing global markets that hinder the company's objectives and growth.

Business restructuring refers to the rearrangement of the corporate structure. It is a process whereby a company alters its present structure, which involves a change in liability or asset structure. Business structuring has immense significance in today's world considering the huge emphasis on liberalization and globalization while ensuring free and extensive competition amongst businesses. Business restructuring helps businesses to survive and grow in the existing market with both internal and external growth.

The contemporary method of managing loans under stress is to apply for short-term measures instead of trying to formulate a one-stop-solution on recovery or revival. This requires long term debt restructuring, management change, hassle-free liquidation, equity infusion, and recovery process in place. With the introduction of the Insolvency and Bankruptcy Code 2016, the Government has paved the way to a quicker and rational method of settling this NPA issue.

Broad-spectrum of services on business restructuring includes:

- Corporate Restructuring and Turnaround Services;
- Winding Up and Closure of the business;
- Planning and advising on Mergers/De-Mergers, Takeovers & Acquisitions;
- Financial Re-engineering & Business Valuation;
- Buy-Back of Securities and Reduction of Capital.

(G) EMPLOYMENT AND LABOUR

Compliance with Employment and Labour law(s) have become one of most important issues that any company operating in India needs to deal with. We constantly advise our clients in handling detailed and complex employment and labour matters. We work closely with the executive management in rendering constructive advice aptly suitable to the work environment and employees.

The lawyers, along with a strong understanding of employment and labour laws, also have in-depth practical exposure in handling employment matters as per the requisite industry. We also undertake the responsibility of reviewing employee documentations, transfer and drafting requests, and termination and restrictive bonds in arrangements.

We adopt a solution oriented practical approach to address employment and labour issues and drive our Client into a direction where workforce management is carried out in the simplest manner with minimum deviations, while maintaining compliancy with the laws and ethics of a corporation.

Broad-spectrum of services on employment and labour matters includes:

- Drafting and vetting of employment contracts;
- Drafting and vetting of employee handbooks, guidelines for code of conduct for employees;
- Addressing specific queries pertaining to employment and labour related matters by providing interpretation of legal provisions;
- Assisting in identifying the applicable registrations / licenses/ permissions vis-à-vis employment and labour laws;
- Advising business entities on employment related issues for instance termination, sexual harassment claims, legal entitlements and benefits, confidentiality obligations etc.;
- Conducting training workshops as mandated under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and other employment specific laws;
- Undertaking audits in order to ensure statutory compliance by companies and advising on rectification of errors and defaults, as per the remedies prescribed under law;
- Addressing concerns of HR committees and management executives in implementing new policies pertaining to employees.

(H) INTELLECTUAL PROPERTY RIGHTS

H.1 TRADEMARKS

There are five Trademark registries in India in the cities of Delhi, Chennai, Mumbai, Ahmedabad and Kolkata as a registration and governing body for trademarks and brand names.

We conduct common public searches, availability search for the marks in Trade Mark Registry databases, online / offline investigations, market research, international searches and give a detailed and comprehensive analytical report assessing the risks for launch of a brand / brand name in the market. Drafting, reviewing, advising of IP agreements, licenses etc. is one of our expertise.

We provide the client with a market strategy and guidelines for the complete filing and registration process. This is necessary for a complete protection of the brand(s).

H.2 COPYRIGHTS

Copyright is an automatic protection, which resides within all original creations. We consult, advise and assist our Clients in the process of obtaining a copyright protection needed to protect their skillful

works, books, paintings, musical creation, literary work, cinematographic work, in India as well as abroad.

We provide our Clients with complete set of services, which includes copyright registration, licensing, assignment, enforcement etc.

We create strategies for our litigation matters, including piracy, infringement and assist them in getting favourable orders.

We serve to a wide category of Clients ranging from the entertainment, sporting to authors and media for drafting, reviewing, finalising various agreements for the Copyrights segment of the IP sector.

We guide our Clients about numerous facets of IP and various kinds of protection which they should seek for their original, artistic and designed creations.

H.3 DESIGNS

We conduct searches from the Design Office databases, market researches; undertake surveys, investigations to provide a detailed report for availability of a Design. We assist our Clients with advisory, compliances, prosecution, and enforcement services for Design protection.

We represent our Clients in various lawsuits before different Courts in matter relating to infringement of their registered Industrial designs. We assist and advise our Clients for drafting, filing, finalising and revision of their applications for registration of their industrial designs.

(I) ALTERNATE DISPUTE RESOLUTION

We, at Abott Law Office believe in assisting our clients in resolving its disputes amicably without any hassle. Using Alternate Dispute Resolution [ADR] procedures can avoid the acrimony that often accompanies extended trials and allows parties to understand each other's position and craft their solutions.

The most common forms of ADR for civil cases are Conciliation, Mediation, Arbitration, Negotiation, Neutral Evaluation, Settlement Conferences and Community Dispute Resolution Programs.

We assist our Clients in a broad range of industries and business sectors arising out of Joint Ventures, Commercial Transactions, Shareholders Agreement, other Corporate Disputes, etc. We aid our clients by advising and representing them from the commencement of arbitration or any other form of ADR, until the final hearing of the matter.

Broad-spectrum of services on ADR matters which we provide includes:

- Drafting of arbitration, negotiation or mediation clauses;
- Seeking interim measures of protection from courts and tribunals;
- Advising on domestic as well as international commercial arbitration matters;
- Providing with pre-arbitration strategy and settlement discussions;
- Representing during arbitral proceedings;
- Assisting in enforcing arbitral awards and taking recourse against them.

(J) LEGAL METROLOGY

In India, if your business is of selling or distributing packaged goods like consumer goods, you need to adhere to the requirements of Legal Metrology Act. The Act aims to establish and enforce standards of weights and measures, regulate trade and commerce in weights, measures and other goods which are sold or distributed by weight, measure or number and to bring accountability and transparency to the same.

We, at Abott Law Office, keep our clients updated regarding such laws and rules, which they must follow. We ensure that clients have all necessary registrations and licenses. We use a comprehensive approach to meet various requirements and regulations of trade of packaged, exported and other goods. We are well versed with legal metrology and even have practical knowledge regarding weights and measurements standards as per law, and will aid you at every step regarding legal metrology.

We have practiced numerous commercial transactions, and ensure the terms and conditions under the Act are duly complied with and are not violative of any of the applicable legal provision. We provide best legal services in these areas and ensure great quality services are rendered from our end.

Abott Law Office will make sure that you traverse the path of legal metrology with ease and confidence with our professional guidance and help. We provide complete advisory and compliance services, which include:

- Legal opinions on complex issues under the Legal Metrology;
- Model approvals;
- Labeling advice for packaged commodities by providing comprehensive checklists regarding requirements under the Legal Metrology (Packaged Commodities Rules);
- Verification and stamping;
- Assisting in obtaining various licenses / permissions under the Legal Metrology Law;
- Assisting in compounding of various offences.

(K) CORPORATE SECRETARIAL AND COMPLIANCES

Abott Law Office in association with various company secretarial professionals who possess extensive experience in corporate and regulatory compliance advise their client vis-à-vis secretarial matters.

We are highly business oriented in approach and have experience across sectors and the acumen to provide complete solutions for all corporate / company secretarial matters. We assist in handling regulatory requirements and ensuring organizational awareness of rules, regulations and policies relevant to the business operations of our Clients.

Under this area of practice, we extensively offer the following services:

- Assisting with statutory filings with the Registrar of Companies (ROC) across India, ROC liaisoning and compounding proceedings with ROC;
- Assistance in the implementation of Corporate Social Responsibility in compliance with the provisions of the Companies Act 2013;
- Advising and assisting the directors with respect to their duties, responsibilities and compliance;
- Assisting with procedures and compliances concerned to revival and winding up of companies;
- Advising on the ongoing business requirement and transactions;
- Regular Updation on Foreign Exchange Laws;
- Assisting with compliance of corporate governance norms;
- Reviewing developments in corporate governance;

In addition to the aforesaid services, we also provided with the following Services:

- Drafting and vetting of petitions regarding shifting of a registered office of a company from one state to another;
 - Preparation of documents relating to alteration in the object clauses of the Memorandum and Articles of Association of companies, increase in the authorised share capital;
 - Drafting of transactional or compliance procedural documents;
 - Preparation of applications and other documentation for obtaining approvals concerned to related party transactions;
 - Conducting corporate secretarial audits;
 - Conducting corporate secretarial due diligence;
 - Compliance of various laws / regulations including Central or State or Local Bodies or Authorities.
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Sumit Wadhva

Founder and Managing Partner

Sumit Wadhva is the Founder & Managing Partner of the firm having an experience of more than a decade in advisory and litigation services. Sumit advises on various issues under the Goods and Service Tax (GST), Custom law(s), Insolvency and Bankruptcy Code (IBC), Special Economic Zones and Foreign Trade Policy. His expertise in core taxation and commercial laws, integrated with the understanding of various business sectors enables him to deliver holistic and effective guidance to the clients from time to time. He advises on complex matters and transactions with a holistic approach to legal, tax, regulatory and business considerations.

Sumit has a great approach in dealing with clients, and meeting their expectations within deadlines. Sumit has worked with clients from a wide range of industries including Automobile, Healthcare, Education, IT and ITES, Trading and e-Commerce, Aviation and several other services companies for providing legal services including Due Diligence, Legal Opinions, Corporate Advisory, Legal Audits, Compliance Advice and Corporate Dispute Resolution & Litigation services. Sumit regularly appears before the various Courts and Quasi-Judicial forums, including CESTAT, NCLT and NCLAT. He also takes key initiative in advising start-ups and first-time entrepreneurs.

Sumit holds a Bachelor's degree in Commerce from the University of Delhi and a Bachelor's degree in Law. He is also a Company Secretary from the Institute of Company Secretaries of India. Sumit has been a visiting faculty to the Institute of Company Secretaries of India.